

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby amends Chapter 16, “State Building Code—Factory-Built Structures,” Iowa Administrative Code.

Iowa Code section 103A.9 establishes the authority of the Building Code Commissioner, with the approval of the Building Code Advisory Council, to establish standards for factory-built structures, which include manufactured homes and modular buildings of all types. Specific authority is provided to the Building Code Commissioner to establish an “insignia of approval” and to require that modular buildings bear the established insignia. The amendments adopted herein provide for code compliance certificates and for installation certificates for modular structures.

The rules in Chapter 16 have been in place for many years, and the requirements and procedures prescribed are complex. The amendments adopted herein simplify those requirements, based upon a review necessitated by a reduction in staff available to administer programs within the Building Code Bureau. The Commissioner expects no loss of accountability for ensuring code compliance or proper installation of modular buildings to result from these changes.

Pursuant to Iowa Code section 17A.4(3), the Building Code Commissioner finds that notice and public participation are unnecessary because these amendments simplify the procedures involved with code compliance and installation seals for modular structures and impose no additional burden on persons subject to the rules.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Building Code Commissioner further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective July 1, 2010. Staffing changes which necessitated the review of existing procedures occurred in late June 2010, and rapid implementation of the new requirements, once announced to the industry, is likely to reduce any confusion regarding the changes.

These amendments are proposed in a Notice of Intended Action and are published herein as **ARC 8938B** to allow for public comment.

These amendments are intended to implement Iowa Code section 103A.9.

These amendments became effective July 1, 2010.

The following amendments are adopted.

ITEM 1. Rescind subrule 16.610(17) and adopt the following **new** subrule in lieu thereof:

16.610(17) Certificate of compliance. The manufacturer shall provide the building code commissioner with a certificate of compliance for each model or model group of the approved modular design. This certification shall include the following:

- a. Model or model group number which will appear on the data plate and compliance certificate.
- b. The signature of an authorized representative of the manufacturer.
- c. The name of the third-party agency certifying compliance with the code, for each of the three certifications.
- d. Evidence of code compliance certified by the third-party agencies, for the specific model or model group being submitted.

ITEM 2. Rescind subrule 16.610(19) and adopt the following **new** subrule in lieu thereof:

16.610(19) Code compliance and installation certificates. Code compliance and installation certificates approved for use are available at the Web site of the building code bureau when seals are purchased pursuant to subrule 16.610(22). The manufacturer shall complete the certificate and distribute it as follows:

- a. A copy shall be returned to:
State Building Code Bureau
Department of Public Safety

215 East Seventh St.
Des Moines, Iowa 50319

b. A copy shall be retained for plant records and shall be used to make additional copies if necessary. An additional copy shall accompany other shipping documents carried by the transporter and be available for inspection by any authorized official or department.

c. A copy of the compliance certificate shall be forwarded to the dealer, distributor, or any other person who is required to obtain a local building permit or to oversee installation.

ITEM 3. Rescind subrule 16.610(20) and adopt the following **new** subrule in lieu thereof:

16.610(20) Installation certificates. The installation certificate portion of the supplied combination certificate (see subrule 16.610(19)) shall be partially completed by the manufacturer at the same time the code compliance certificate is prepared and made part of the documents shipped with the unit and shall be completed by the local building official or the installer.

a. When a building permit is required, a copy of the code compliance certificate shall be presented to the local building official at the time application for a permit is made. The building official shall sign the certificate and send a copy to the commissioner at the address designated in this rule.

b. When a building permit is not required, the code compliance certificate shall be signed by the installer and forwarded to the commissioner at the address designated in this rule.

ITEM 4. Rescind subrule 16.610(22) and adopt the following **new** subrule in lieu thereof:

16.610(22) Seals.

a. *Seal issuance.* The state seal shall be issued by the state building code commissioner upon application and after approval of the plans and manufacturing procedures has been certified by the third-party agency evidencing compliance with this code. Applications for seals shall be made to the commissioner on the supplied form and shall include the following:

- (1) Number of seals requested.
- (2) Iowa model or system approval numbers.
- (3) Reference to approval of manufacturing procedures and third-party agency or agencies involved.
- (4) A statement by the applicant that consent is given for inspection and investigation at all reasonable hours.
- (5) Applicable seal fees.

b. *Seal reporting.* Manufacturers shall notify the commissioner monthly of the use of seals by the manufacturers' facilities. This information shall be on a form approved by the commissioner and shall contain adequate information to determine the following:

- (1) Seal number.
- (2) Serial number of the unit on which the seal was placed.
- (3) Make and model of the unit on which the seal was placed.
- (4) Number of sections that comprise the finished unit.
- (5) Location to which the unit was shipped.

ITEM 5. Rescind subrule 16.610(23) and adopt the following **new** subrule in lieu thereof:

16.610(23) Number of seals required. Each modular building shall have a seal attached to every section or unit of the building.

ITEM 6. Rescind subrule 16.610(24) and adopt the following **new** subrule in lieu thereof:

16.610(24) Seal placement on modular units. Every seal shall be assigned and securely affixed to a specific section or unit. Assigned seals are not transferable and are void when not affixed as assigned. All seals not properly affixed shall be returned to or may be confiscated by the commissioner. The seal shall remain the property of the commissioner in the event of violation of the conditions of approval. Every seal shall be placed on and affixed to each section or unit in a readily visible location within the unit.

ITEM 7. Rescind subrule 16.610(29) and adopt the following **new** subrule in lieu thereof:
16.610(29) Fees.

a. Form of remittance. All remittances shall be:

- (1) In the form of checks or money orders;
- (2) Made payable to Iowa Department of Public Safety; and
- (3) Addressed to:

State Building Code Bureau
Department of Public Safety
215 East Seventh St.
Des Moines, Iowa 50319

b. Seal fees.

Modular code compliance seals	\$30 per seal
Modular installation seals	\$15 per seal

c. Other fees. A fee equal to the direct expense shall be charged for all other services furnished by the commissioner which are not direct administrative duties of the commissioner's office, including but not limited to obtaining consultants for review and evaluation of applications or obtaining reviews from the national code writing organizations.

[Filed Emergency 6/23/10, effective 7/1/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/14/10.